

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-070655
		C-070656
Plaintiff-Appellee,	:	TRIAL NOS. B-0606754
		B-0610189
vs.	:	
		<i>JUDGMENT ENTRY.</i>
RODNEY SAMS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Rodney Sams appeals his consecutive sentences for driving his car while under the influence (“OVI”).² In November of 2005, Sams drove drunk and was indicted in case number B-0606754; he had already had multiple OVI convictions. Eleven months later, while on bond, Sams again was arrested for OVI, which resulted in another indictment in case number B-0610189. Sams pleaded guilty in both cases to OVI.³ The trial court imposed consecutive sentences, which in the aggregate totaled seven years’ incarceration: in case number B-0606754, the court sentenced him to three years’ incarceration, and in case number B-0610189, he received four years’ incarceration. On appeal, Sams argues that the trial court’s sentences did not take into account the need for rehabilitation and to protect the public from future offenses, and that the court considered Sams’s alleged mental disorder as an aggravating factor rather than as a factor in mitigation of the sentences. Not so.

The bulk of Sams’s argument is that the public and Sams would have been better served if he had received rehabilitation in lieu of incarceration. Trial courts

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² R.C. 4511.19(A)(2).

³ Id.

are vested with discretion in determining whether consecutive sentences are appropriate,⁴ and they are not required to make findings of fact or to give their reasons for imposing maximum, consecutive, or nonminimum sentences.⁵

In this case, Sams was charged with OVI in 2005, and while he was free on bond, he was charged with another OVI in 2006, less than a year after the 2005 charge. The trial court considered the 2005 and 2006 charges in tandem with Sams's previous OVI convictions, and it decided that a seven-year term of incarceration was appropriate. Sams faced a maximum of ten years' incarceration. We cannot say that the trial court's imposition of seven years' incarceration was contrary to law. Nor are we persuaded that the trial court considered Sams's mental-health issues as an aggravating factor. In fact, the court stated that when Sams is eligible for the North Coast Correctional Treatment Program, he should be transferred for treatment.

Sams's sentence of seven years' incarceration was not contrary to law, and the judgment of the trial court is, accordingly, affirmed.

Further, a certified copy of this Judgment Entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., PAINTER and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on June 4, 2008

per order of the Court _____.
Presiding Judge

⁴ *State v. Bates*, ___ Ohio St.3d ___, 2008-Ohio-1983, ___ N.E.2d ___, at ¶13; *State v. Johnson*, 116 Ohio St.3d 541, 2008-Ohio-69, 880 N.E.2d 896, at ¶19.

⁵ *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470, at ¶100.